
Appeal Decision

Site visit made on 19 May 2025

by **A Hickey MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

Appeal Ref: APP/J1535/D/24/3353524

Braeside, 28 Piercing Hill, Theydon Bois, Epping, Essex CM16 7JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Faud against the decision of Epping Forest District Council.
 - The application Ref is EPF/1062/24.
 - The development proposed is Two-storey side and rear extensions, single storey extension and alterations to the roof to accommodate dormer windows and all other associated works.
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Decision

1. The appeal is allowed and planning permission is granted for two-storey side and rear extensions, single storey extension and alterations to the roof to accommodate dormer windows and all other associated works at Braeside, 28 Piercing Hill, Theydon Bois, Epping, Essex CM16 7JW in accordance with the terms of the application, Ref EPF/1062/24, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal site lies within the Metropolitan Green Belt and the Council have found the proposal would not be inappropriate development in the Green Belt. This is because it would accord with paragraph 154 exception c) of the National Planning Policy Framework (the Framework) and relevant Green Belt policies of the development plan. I find no reason to disagree.

Main Issue

3. The main issue is the effect of the proposal on non-designated heritage assets with particular regard to Braeside, 28 Piercing Hill and Manor Villas.

Reasons

4. The appeal property forms part of a group of properties known as Manor Villas¹. The Council's Local List of Heritage Assets identifies three specific properties² of interest but also describes the 12 properties that make up Manor Villas. It reads, as early as 1848, the sites of the houses now called Manor Villas were laid out on newly enclosed land to the north of Theydon Green. The houses themselves were built between 1870 and 1872. A group of distinctive detached late 19th century houses - varied in appearance but with a unifying architectural character and materials palette of stock brick and painted render. Included for strong group aesthetic value.

¹ Manor Villas (Nos.21, 22, 23, 24, 25, 28, 29, 31, 33, 34, 37 & 38)

² Nos. 21, 23, & 29

5. The existing houses that form Manor Villas, including the appeal property, share a clear physical relationship due to their proximity, similar material palette, architectural character, and relationship to Piercing Hill. However, each has a separate access from the road, and the presence of mature landscaping provides a distinct visual separation between many of the properties that make up Manor Villas.
6. The appeal property comprises an original two-storey, three bay entrance wing with a three-storey tower pavilion to the side that projects forward from the two-storey wing. There is a poor-quality, single-storey extension to the side of the tower pavilion, which forms part of the principal elevation. Whilst the principal elevation has maintained a largely unified appearance, the rear of the property lacks the same level of consistency, as it features an additional two-storey gable projection, and window positions and sizes vary. A modern two-storey detached garage has also been built to the south of the appeal property.
7. The rising of the roof, side extension and works at the rear would result in the loss of some historic fabric and the reorganisation of the internal layout. However, the new roof height would still sit below that of the tower pavilion, and the roof dormers would be of a limited scale positioned in line with the existing windows below, allowing for the overall historic form of the original dwelling to be retained. This arrangement, along with the use of matching materials, would prevent the raised roof and dormers from appearing overly dominant or intrusive when viewed in relation to Manor Villas as a collective or the host dwelling.
8. Additionally, whilst the works to the rear would be extensive, they would see the removal of the unsympathetic side extension. The result would be a more unified and balanced rear elevation, in keeping with the balanced design proportions of the front of the appeal dwelling.
9. The proposal would result in a fundamental change to the internal layout of the building. However, I have little evidence before me as to why such changes would be harmful or the significance of the internal layout, other than that it is of Victorian origin. As such, I find that limited harm would result from the reconfiguration of the existing dwelling from its original Victorian layout.
10. In respect of non-designated heritage assets, the Framework sets out that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Policy DM7 of the Epping Forrest Local Plan (LP) has broadly similar aims as the Framework insofar as it relates to non-designated heritage assets.
11. Given my findings above, there would be some limited harm from the reconfiguration of the internal layout of the dwelling to better accommodate the proposed alterations. However, I attach moderate weight to the removal of the unsympathetic side extension, which is more harmful to the significance of the host property and Manor Villas, given its location on the principal elevation. Therefore, on balance, I consider that limited harm from the new internal layout would not outweigh the benefit of removing the side extension, which is more harmful to the non-designated heritage assets.
12. Consequently, the proposal overall would preserve the significance of the non-designated heritage assets, which include both the host property and the group of dwellings known as Manor Villas. Therefore, it would accord with LP Policies DM7

and DM9. These seek, amongst other matters, high-quality development that responds to its context and local character whilst preserving non-designated heritage assets in a manner appropriate to their significance. For similar reasons, it would also accord with the overall aims of Chapter 15 of the Framework.

Other Matters

13. It has been suggested that other less harmful alternatives should be considered. However, I have determined the appeal scheme on its own merits and found it acceptable for the reasons set out.

Conditions

14. The Council has suggested conditions, which I have considered against the tests set out in the Framework and national planning practice guidance. Where relevant, I have amended the wording in accordance with these tests.
15. I have imposed conditions in relation to the commencement of development (1) and specifying the approved plans (2) for the sake of certainty. A condition on external materials (3) is necessary in the interest of preserving the host dwelling and other nearby non-designated heritage assets.
16. A condition restricting permitted development rights under classes A, B and C (4) is reasonable in this instance given the sensitivity of change of the host dwelling and other nearby dwellings as NDHA. I have not removed Class E as it would not be reasonable given the substantial size of the existing rear garden. Moreover, permitted development rights established by the GPDO³ apply within the Green Belt and clear justification for the removal of Class E has not been presented.

Conclusion

17. For the reasons given above the appeal is allowed.

A Hickey

INSPECTOR

³ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: BA034.001.01; BA034.300.01; BA034.301.01; BA034.302.01; and BA034.303.01.
- 3) The external materials of the development hereby permitted shall match those used in the existing dwelling.
- 4) Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no development under Classes A, B and C of Part 1 of Schedule 2 of that Order shall be carried out.

End